IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1878 of 1995

Between:

1. Kalati Thirupalu, S/o. Kalati Maddileti

Mahadevapuram, Aged about 60 years.

2. Seelam Pedda Veera Reddy, S/o. Mahanandi Reddy,

Aged about 70 years.

3. Seelam Rajasekhar Reddy, S/o.Late Chandrasekhar Reddy,

Aged about 30 years.

4. Degani Rama Subbaiah, S/o. Thirumalanna,

Aged about 46 years,

5. Vadde Madduleti, S/o.Vadde Ramudu,

Aged about 50 years.

6. Beeram Narsi Reddy, S/o. Narsi Reddy,

Aged about 50 years.

7. Gadivemula Ediga Pedda Bala Subbaiah,

S/o. Ediga Meidileti, Aged about 38 years,

8. Jangati Lakshmi Devi, W/o. J. Venkata Krishna Narayana,

Aged about 38 years,

9. Mala Kallakuntta Chennanna, S/o. Chennanna,

Aged about 52 years,

10. Kallakuntta Bojjanna, S/o. K. Chennanna,

Aged about 48 years,

11. Sari Veeranna, S/o. Sari Venkata

Aged about 45 years,

12. Vadde Bala Veeramma, W/o. Late Veera Swamy,

Aged about 50 years,

13. Mandla Anjaneyulu, S/o. Chinna Hanumanthu,

Aged about 42 years,

14. Vadde Venkateswarlu, S/o. Vadde Venkataramaiah,

Aged about 38 years,

15. Baikadi Ankalu, S/o. Ankalu, Aged about 70 years,

16. Kummari Narayana, S/o.Pedda Venkata

Aged about 58 years.

17. Yerikala Nagudu, S/o. Naganna,

Aged about 48 years.

18. Mala Martin Chennamma, W/o. Sunkanna,

Aged about 40 years.

19. Yerram Reddy Kondaiah, S/o. Veeraiah,

Aged about 50 years.

(All are residents of Kotakonda village, Allagadda Tq.,

Kurnool District.)

..... PETITIONERS

AND

1. The Government of Andhra Pradesh,

Rep.by its Secretary, Revenue(Assignment – I)

Department, Secretariat Buildings, Hyderabad.

2. The Commissioner of Land Revenue,

Hyderabad.

3. The Special Collector,Telugu Ganga Project,

Nellore.

4. The Special Deputy Collector,(Land Acquisition)

Telugu Ganga Project, Nandyal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or direction, declaring the action of the respondents in not paying compensation or ex-gratia amount and other benefits to the petitioners for resumption of their lands to the Government for Telugu Ganga Projects, inspite of issuing G.O.Ms.No.1307 Revenue (Assignment I) Department dated 22-3-1993 as arbitrary, illegal unconstitutional and void and consequently direct the respondents to make payment of ex-gratia amount along with 30% solatium forthwith to the petitioners, whose lands are resumed by the respondents to the Government for the purpose of Telugu Ganga Project in terms of aforesaid G.O.

Counsel for the Petitioners : MR.B.D.MAHESWARA REDDY

Counsel for the Respondents : GP FOR LAND ACQUISITION

The Court made the following :

O R D E R:

The Writ petition is filed seeking a direction, declaring the action of the respondents in not paying compensation or ex-gratia amount and other benefits to the petitioners for resumption of their lands to the Government for Telugu Ganga Projects, inspite of issuing G.O.Ms.No.1307 Revenue(Assignment I) Department dated 22-03-1993 as arbitrary, illegal, unconstitutional and void.

The petitioners claim to be holding various extents of lands at Kotakonda village, Allagadda taluk, Kurnool District and that the said lands were resumed by the Government for Telugu Ganga Project without issuing any notice and without following due process of law. It is also stated that the possession of the said lands was taken and in spite of making several representations, no compensation or ex-gratia was paid to them. That the Government has issued an order vide G.O.Ms.No.1307 dated

23-12-1993 granting payment of ex-gratia equivalent to the market value to the

assignees whose lands were resumed for the subject project and other public purposes, subject to certain conditions. The said Government Order also provides for making reference under Section 18 and 28-A of the Land Acquisition Act and amount equivalent to 15% for the lands resumed prior
to 30-4-82 and 30 % after that date on the market value payable under section 23 (2) of the Land Acquisition Act may be considered for being included in the total ex-gratia payable to the assignees solatium, however the assignees will not be entitled to interest or additional market value.

The main grievance of the petitioners is with regard to non payment of ex-gratia equivalent to the market value along with 30 % solatium on the said amount. Hence, the writ petition.

On the other hand, respondents filed counter –affidavit denying the averments made in the writ petition and stated that the petitioners 1, 2, 4, 8, 9, 10, 12 and 16 are already paid the land value, 30 % solatium and other benefits and no further compensation is payable to them. As regards petitioners 5, 6, 11, 15, 17, 18 and 19, only market value was paid in terms of G.O.Ms.No.180 Revenue (B) Department, dated 9-2-1986 and as per G.O.Ms.No.1307(Rev.Assn.I) Department, dated 23-12-1993, they are entitled to 30% solatium on the amount already paid to them and that the same would be paid to them in due course after the receipt of budget allotment from the Government. As regard petitioners 3, 7, 13, 14, it is stated that they have no concern over the subject lands and are not entitled for any compensation.

Thus, only in respect of petitioners 5, 6, 11, 15, 17, 18 and 19 only 30 % of solatium is payable on the amounts already paid in terms of G.O.Ms.No.180 Rev (B) Department dt 9-2-1986.

In the circumstances, both the counsel agreed for disposal of the writ petition with the following direction:

The writ petition is disposed of directing the respondents to pay 30% solatium to the petitioners 5, 6, 11, 15, 17, 18 and 19
within a period of three months from the date of receipt of copy of this order.

N.V. RAMANA, J.

DT: 03..09..2004.

Rns/Tvk.

To

1. The Secretary,

Government of Andhra Pradesh,

Revenue(Assignment – I)

Department, Secretariat Buildings,

Hyderabad.

2. The Commissioner of Land Revenue,

Hyderabad.

3. The Special Collector,

Telugu Ganga Project,

Nellore.

4. The Special Deputy Collector,(Land Acquisition)

Telugu Ganga Project, Nandyal.

5. Two CCs to G.P. for Land Acquisition, High Court of A.P.,

Hyderabad.(O.U.T),

6. Two CD copies.